

California Regional Water Quality Control Board
Santa Ana Region

March 12, 2004

ITEM: 21

SUBJECT: Status of Efforts to Require Suspected Dischargers to Investigate
Perchlorate Pollution in the Rialto, Colton and Chino Groundwater
Subbasins

DISCUSSION:

At the January 22, 2004 Board meeting, staff reported that, pursuant to Section 13267 of the California Water Code, the Executive Officer had issued a total of twenty Investigation Orders to suspected dischargers and property owners regarding the perchlorate pollution in the Rialto, Colton and Chino Groundwater Subbasins. One additional Order was issued in February 2004.

Identified below is the status of the investigations for those suspected dischargers that have conducted activities or communicated with staff since the last Board meeting:

Ken Thompson, Inc. (Rialto Concrete Products, Inc. property)

Ken Thompson, Inc. is the owner of property in Rialto (approximately 36 acres) that was originally owned and occupied by a former fireworks company, Pyrotronics Corporation. The property is currently occupied by Rialto Concrete Products, Inc. Evidence indicates that Pyrotronics manufactured, handled, tested and stored fireworks containing perchlorate salts at the property during the 1970s and 80s. The property is a portion of the southern area of the former 160-acre Kwikset/West Coast Loading Corporation (WCLC) property. A former burn pit, utilized historically by Pyrotronics, Apollo Fireworks, Pyro Spectaculars, Goodrich Corporation, and other former site occupants, is located on the Thompson property. Ken Thompson, Inc. has been ordered to conduct a soil and groundwater investigation of the property, and submit a report to the Executive Officer. The work plan for this investigation is due March 15, 2004.

Pyro Spectaculars, Inc.

Pursuant to a 13267 Investigation Order, Pyro Spectaculars, Inc. was required to conduct a soil and groundwater investigation at its Pyro Spectaculars and Astro Pyrotechnics facilities, and its former burn pit/disposal site.

Pyro Spectaculars commenced its field activities on November 5, 2003. Initial results of soil sampling at the Pyro Spectaculars facility did not indicate the presence of perchlorate or other contaminants in the soil. However, high concentrations of perchlorate (up to 32 parts per million) were detected in the soil at the Astro Pyrotechnics facility. Further investigation activities at the former burn pit/disposal site that was formerly used by Pyro Spectaculars are expected to commence in March 2004. In addition, further investigation will be required in areas where perchlorate has been detected at the Astro Pyrotechnics site. On March 16, 2004, Board staff will meet with representatives for Astro Pyrotechnics, the property owner (Mr. Thomas Peters), and a former tenant (Whittaker Corporation), as well as each party's attorneys and environmental consultants, to discuss a cooperative approach to the implementation of three separate investigation plans at the five-acre site. Board staff proposes to draft a Cleanup and Abatement Order for these parties for consideration by the Board at its April 30, 2004 meeting.

Whittaker Corporation (former AMEX, Tasker site)

Whittaker submitted a report to Board staff on July 31, 2003, pursuant to a 13267 Order, including historical records of its industrial activities at 2298 West Stonehurst Avenue in Rialto (currently owned by Thomas O. Peters and leased and occupied by Astro Pyrotechnics). Based on the information that was provided in that report, the Executive Officer issued a 13267 Investigation Order to Whittaker on October 21, 2003, requiring submittal of a work plan for a soil investigation at the former Whittaker facility. Whittaker submitted a work plan on January 14, 2004. Board staff discussed the proposed sampling plan with environmental consultants for Whittaker, and will send formal comments on the work plan in March 2004.

As noted above, Board staff will meet with representatives for Astro Pyrotechnics, the property owner (Mr. Thomas Peters), and the Whittaker Corporation to discuss a cooperative approach to the implementation of three separate investigation plans at the five-acre site.

Mr. Thomas O. Peters, Property Owner

In November 2003, Board staff met with the environmental consultant for Mr. Thomas O. Peters regarding the required work plan for investigation of the property located at 2298 Stonehurst Avenue, Rialto (currently leased and occupied by Astro Pyrotechnics). The consultant submitted a work plan on December 18, 2003.

As noted above, Board staff will meet with representatives for Mr. Peters, Astro Pyrotechnics, and Whittaker Corporation to discuss a cooperative approach to the implementation of three separate investigation plans at the five-acre site.

American Promotional Events, Inc. - West (APE - West)

The field work for the second phase of soil investigation at APE - West was completed

in December 2003, and the report was submitted to the Executive Officer on January 6, 2004. The results of the investigation do not indicate the presence of significant perchlorate concentrations in the vicinity of APE's current operations. Some areas of the site are still in need of further investigation by former occupants of the property, such as Emhart/Black & Decker (successors of the former West Coast Loading Corporation), and others. Staff will provide written comments on APE's project report.

Mr. Wong Chung Ming, Property Owner

On October 23, 2003, Mr. Wong submitted a draft work plan for investigation of the 62-acre property that is currently leased and occupied by APE – West and Pyro Spectaculars, Inc. Mr. Wong's property is a portion of the former 160-acre Goodrich and West Coast Loading Corporation site. Board staff reviewed the work plan, and then visited the 62-acre property with Mr. Wong's environmental consultant on November 13, 2003. The Executive Officer approved the work plan on December 15, 2003, with the condition that additional soil samples be collected and analyzed. Mr. Wong's local agents, the Kwan family, hired a new consultant for the project in February 2004. Field work is expected to commence in March 2004, and a final report is due to the Executive Officer by April 1, 2004.

County of San Bernardino

On February 17, 2004, the County submitted two work plans, for groundwater investigation and groundwater modeling, as required in the Executive Officer's letter of January 15, 2004. The County submitted a "work plan addendum," with a schedule for developing a conceptual remedial action plan, on February 25, 2004. The County's engineering feasibility study for the full corrective action plan for perchlorate contamination in groundwater will be submitted by March 5, 2004.

The County is proposing to install six additional groundwater monitoring wells, and to complete the conceptual groundwater model, incorporating data from the new wells, by August 2004. Staff has reviewed the work plans, and will review the engineering feasibility study for corrective action. Written comments will be provided to the County. After the Executive Officer approves the work plans, staff will meet with environmental consultants for the County to facilitate implementation of the proposed work.

Zambelli Fireworks

Pursuant to a 13267 Investigation Order, Zambelli was required to submit a work plan and conduct a soil and groundwater investigation at the site of its former storage bunker in Rialto. Zambelli submitted a work plan on October 6, 2003. The Executive Officer has conditionally approved the work plan.

Site operations and stockpiles of soil at the Robertson's Ready Mix plant, a facility adjacent to the former Zambelli bunker site, have impeded access to the former bunker site. As a result, there has been a delay in Zambelli's implementation of the approved

work plan. Board staff anticipates that field work at the former Zambelli bunker site will commence in March 2004.

Kwikset Corporation/Emhart Industries, Inc./Black & Decker (former West Coast Loading Corporation)

Pursuant to a 13267 Investigation Order, a work plan for a perchlorate investigation at the former West Coast Loading Corporation (WCLC) facility was due from Emhart Industries, Inc. on November 22, 2002. Emhart/Black & Decker submitted a Petition for Stay and for State Board Review of the 13267 Order. The State Board dismissed the Stay request on December 18, 2002. The State Board dismissed the Petition for Review on July 7, 2003.

On August 6, 2003, Emhart filed a Petition for Writ of Mandate in the State Superior Court, Riverside County, seeking an order to invalidate the Executive Officer's 13267 Investigation Order. Emhart's petition is pending before Judge Tranbarger, and a status conference to set the schedule for the case will be held on March 25, 2004.

In addition, the Kwikset Corporation filed a Petition for Writ of Mandate related to the Board's rescission of the cleanup and abatement order. A hearing regarding the Kwikset petition was held in Riverside Superior Court on January 23, 2004. In a preliminary ruling, Judge Tranbarger indicated that he would deny Kwikset's Petition. A final ruling from Judge Tranbarger is pending.

U.S. Department of Defense/Army Corps of Engineers (former Rialto Ammunition Back-up Storage Point)

On February 25, 2004, the U.S. Army Corps of Engineers submitted a report to the Executive Officer, entitled "Operational History 1941-1945, Rialto Ammunition Back-up Storage Point, Rialto, California." Board staff is reviewing the report.

Actions Taken by City of Rialto

The City has filed Citizens' Suits, under the Resource Conservation and Recovery Act, against the following suspected perchlorate dischargers:

County of San Bernardino
Kwikset Corp.
Kwikset Locks, Inc.
West Coast Loading Corp.
Emhart Industries, Inc.
Black & Decker (U.S.) Inc.
Robertson's Ready Mix, Inc.
American Promotional Events, Inc. – West
Zambelli Fireworks Manufacturing Co.

Denova Environmental
U.S. Dept. of Defense (Army, Navy, Air Force)
California National Guard
Pyro Spectaculars, Inc.
Raytheon Co.
General Dynamics (Corp. & Air Systems Div.)
Hughes (Aircraft Co. & Missile Systems)
Tung Chung Co.
Wong Chung Ming
Whittaker Corp.
Meggitt- USA
Explosives Technology International, Inc.
Golden State Explosives
GenCorp
Aerojet (Inc. & General Corp.)
Schulz Family Trust
Edward F. Schulz (& estate of)
Marquardt (Co. and Corp.)
Ensign Bickford Co.
Thomas O. Peters
Broco Environmental, Inc.
American Explosives Co.
Environmental Enterprises, Inc.
TNT Fireworks
Astro Pyrotechnics
California Fireworks, Inc.
Amex Products, Inc.
Tasker Industries
American West Explosives
King Explosives, Inc.
ISC Electronics, Inc.
Ordnance Associates

At the March 12, 2004 Board meeting, staff will provide information on any further developments, and will continue to update the Board at future meetings on the progress of the perchlorate investigation efforts.